

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,

Plaintiff,

v.

S. GATES, et al.,

Defendants.

Case No. 1:21-cv-01343-ADA-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DISMISS
CERTAIN CLAIMS

(ECF No. 27)

Plaintiff Frank Monaco Bazzo (“Plaintiff”) is proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 10, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that this action proceed on the Eighth Amendment conditions of confinement and deliberate indifference to serious medical needs claims against Defendants Gates and Bobbola, and unknown Does 1 through 5, as alleged in Plaintiff’s first amended complaint. (ECF No. 27.) The Magistrate Judge further recommended that the remaining claims in Plaintiff’s first amended complaint be dismissed. (*Id.*) The Magistrate Judge provided Plaintiff fourteen days within which to file any objections to the findings and recommendations. (*Id.*) No objections have been filed.

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1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a
2 *de novo* review of this case. Having carefully reviewed the file, the Court finds the findings and
3 recommendations to be supported by the record and proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on April 10, 2023, (ECF No. 27), are adopted
6 in full;
- 7 2. This action shall proceed on Plaintiff's Eighth Amendment conditions of confinement
8 and deliberate indifference to serious medical needs claims against Defendants Gates
9 and Bobbola, and unknown Does 1 through 5, pursuant to 42 U.S.C. § 1983;
- 10 3. The remaining claims in Plaintiff's first amended complaint are dismissed; and
- 11 4. The matter is referred back to the Magistrate Judge for further proceedings.

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14 IT IS SO ORDERED.

15 Dated: June 30, 2023

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UNITED STATES DISTRICT JUDGE